

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Applicant respectfully submits this amendment to correct matters of form and to clarify the invention. At a minimum, the applicant respectfully requests entry of this amendment for purposes of appeal.

In the Official Action dated April 14, 2004, which has been made FINAL, the Examiner further maintained the requirement that a new formal drawing be submitted to correct defects recited in a prior Office Action mailed March 13, 2002 and which had been proposed to be corrected in applicants' first response submitted June 17, 2002. Respectfully, applicant will submit such formal drawing as soon as there is an indication of allowable subject matter.

Further in the Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for claimed subject matter and particularly, objected to use of terms meaning the "same thing." It appears that the Examiner has objected to the various names given in the specification and claims for the form factor that embodies the functionality of the invention. In response, applicant amends herein Claims 16, 18, 22 and 24 to set forth the use of a smart personal pointer device, which has been defined in the specification as originally filed on page 4, lines 7-14. The use of the term smart personal pointer device already is set forth in Claim 1 so the language of amended independent Claims 16 and 22 now track that language. The Examiner is respectfully requested to remove the objection to these Claims.

Further in the Office Action, the Examiner has required the applicant to explicitly and clearly set forth a special definition provided in the written description for the

following recitation in each of Claims 1, 16 and 22: "personalized user preferences relating to customized application settings of a user application"

Respectfully, the applicant provides a definition which is self-explanatory by referring to page 11, lines 23-24:

...selected personalized data such as preferences and customizations associated with the user, i.e., from the user device...

It is understood that "the user device" is the first computing device as claimed in Claims 1, 16 and 22.

Respectfully, the applicant provides examples of these "preferences and customizations" by referring the Examiner to the specification as originally filed on page 12, lines 2-12, to wit:

...types of personalization data may include profile information such as desktop profile (list of applications on the main desktop), screen resolutions, screen savers, menus on start button, preferred settings for various applications, browser bookmarks, history of web sites visited, history of files last viewed, registry settings, passwords for various web sites and applications used by the owner. Furthermore, a personalized menu such as the bar of icons used for Freelance Graphics, Powerpoint, and related preferred settings such as font, document style, and dictionaries, may also be communicated to the smart personal pointing device...

Respectfully, as further part of this definition, it is evident that such "preferences and customizations" include preferences that are "stored in preference files in the device memory corresponding to a particular application" (see specification at page 12, lines 13-15.

The applicant respectfully submits that the foregoing comprise a concrete definition in satisfaction of the Examiner's request.

Further in the Office Action, the Examiner has maintained the finality of the rejection of all Claims 1, 4, 6, 7, 9, 14-16, 19-22 and 25-27 under 35 U.S.C. §103(a) as allegedly unpatentable in view of Mital (U.S. Patent No. 5,878,282)(hereinafter "Mital"). The Examiner further finally rejected Claims 3, 11, 17, 18, 23 and 24 under 35 U.S.C. §103(a) as allegedly unpatentable over Mital in view of Allport (U.S. Patent No. 6,256,019). Furthermore, the Examiner finally rejected the Claim 10 under 35 U.S.C. §103(a) as being allegedly unpatentable over Mital in view of Banerjee et al. (U.S. Patent No. 6,292,181).

With respect to the rejections of all claims under 35 U.S.C. §103(a) as allegedly unpatentable in view of Mital, applicant respectfully disagrees.

In traversal, original dependent Claims 15, 21 and 27 are being canceled and the subject matter thereof wholly incorporated in respective independent Claims 1, 16 and 22 to set forth that the smart personal pointing device subsequently interfaces (See Figure 1, as proposed amended) with a second computing device and recognizes a like user application being executed on the second computing device. This subject matter is described in the specification and the figures (e.g., step 515 in Figure 4(b)), and respectfully no new matter is being entered.


This feature of recognizing or determining the like application on the second (visited) device, for instance, via the pointer cursor, had been indicated by the Examiner as being argued in the prior response submitted by applicant, but not explicitly claimed. To the contrary, this notion had been claimed in original dependent Claims 15, 21 and 27 and now the subject matter of these claims have been incorporated in respective independent Claims 1, 16 and 22 in response to the Examiner's arguments in support of the rejection.

Thus, according to the invention, as now set forth in amended claims 1, 16 and 22, the user preference data according to the invention that is being transferred to the smart personal pointer device from a first user device, is used to change the application settings of a like application, executing on a second user device and is transferred to the second device where it recognizes the like application on the second device and automatically transfers the stored personalized user preferences from the smart personal pointer device to a like user application being executed to which the user customized settings are to be transferred.

Respectfully, as previously argued, Mital is not concerned about transferring user preferences relating to customized application settings of a user application and there is no teaching in Mital to suggest that this. Mital rather, is concerned about transferring data and code between a mobile device and another device; "User preferences" or setting data is not what is being transferred, nor is it suggested that this is capable of being transferred. The Mital passages cited by the Examiner in the rejection of the independent claims, are directed to a manner of transferring executable instructions, or data for existing applications executable on a personal organizers (e.g., palm pilot) or personal digital assistant (PDA)-type devices, for example, scheduling data, phone book data and address data, and the like, etc., which it is respectfully submitted, is not user application settings preference data. It is just application data.

Thus, Mital is directed to another objective, the ability to execute an application on another device, or provide relevant user data for personal organization, e.g., maintaining schedules, "to-do" lists and personal notes and calendar planning (See Mital at Col. 1, lines 30-37). Mital respectfully does not teach the objective of the present invention which is the ability to port user application preference information maintained on a first computer device to the same application executing on a second computing device so that the

application executing on the second device is formatted in accordance with the users settings. This enables the streamlining and facility of a user's interaction with a familiar program executing on the second device in that that user's preferences (application preference settings from that user's first device) will be automatically implemented. Mital, on the other hand just transfers data to a second device which are shown by the applications executing on the second device, which is not the intent of the present invention.



Thus, in sum, applicant respectfully disagrees with the Examiner that transferring of user preference data in the form of customized user application settings and letting the application adapt to that is obvious from Mital's patent. The user's preference data portable by the smart personal pointer device of the present invention to the second computer device is different from the user's application data being transferred in Mital. That is, altering the like user application executing in the second computing device in accordance with said customized application settings as a result of the transfer by the smart personal pointer device in the present invention requires the second computer device to first recognize the application on which the smart personal pointer device is present and then adjust the settings (See Figure 4(a)-(b) of the present application).


Respectfully, the other cited references do not make up the deficiencies of Mital.

In light of the amendments to Claim 1, 16 and 22 and the forgoing arguments Applicant respectfully requests the Examiner to withdraw the rejections based on Mital, whether taken alone or in combination with the other references.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this

application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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